

THE EFFECTIVE DATE OF THIS ORDINANCE IS June 16, 2003

ORDINANCE NO. 03-09-332

Re: Amendment to the Zoning Ordinance to Implement the Moderately Priced Dwelling Unit (MPDU) Program

Zoning Text Amendment R-T-03-03

PREAMBLE

The Board of County Commissioners has adopted an Ordinance creating and implementing a Moderately Priced Dwelling Unit (MPDU) Program in response to a determination that a severe housing problem exists within the County with respect to the supply of housing for residents with moderate incomes.

One aspect of the Moderately Priced Dwelling Unit Program involves the creation and granting of "density bonuses" in connection with residential housing developments which are governed by the MPDU Program.

In order to implement the "density bonus" provision of the Moderately Priced Dwelling Unit Program it is necessary to amend certain sections of the Frederick County Zoning Ordinance, Frederick County Code, Section 1-19-289 the Use Regulations for Specific Zoning Districts, Section 1-19-290 the Design Requirements for Specific Districts, and Section 1-19-446 Lot Area Width and Yard Measurements in order to permit additional dwelling unit types in the R-3 zone.

The Frederick County Planning Commission held a public hearing on Wednesday, April 9, 2003. The Planning Commission voted to recommend approval of the text amendment.

PC: CAO, SHAW, THOMPSON, COOPER, GROSSMULE, FIFE

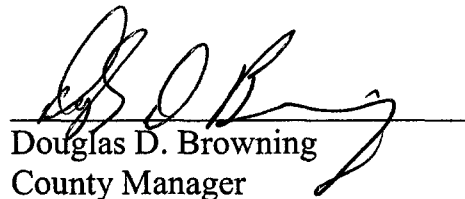
A public hearing was held by the Board of County Commissioners on June 3, 2003. The zoning text amendment and the public hearing before the Board of County Commissioners were duly advertised in the Frederick News Post, a newspaper of general circulation of Frederick County, on May 17, 2003 and May 24, 2003.

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND that Chapter 19 of the Frederick County Code (1979) be amended as shown on the attached Exhibit A - 1, and Exhibit A - 2, which is incorporated herein by reference.

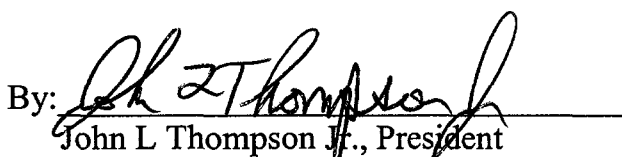
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on June 16, 2003.

The undersigned hereby certifies that the foregoing ordinance was approved and adopted on the 3rd day of June, 2003.

ATTEST:

  
Douglas D. Browning  
County Manager

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

By:   
John L. Thompson Jr., President

MSC 6/13/03

## EXHIBIT A-1

### Section 1-19-289. USE REGULATIONS FOR SPECIFIC ZONING DISTRICTS

#### Residential Uses

RC A R1 R3 R5 R8 R12 R16 VC

#### Townhouse

PS\* PS PS PS PS PS

\* TOWNHOUSES WILL BE PERMITTED ONLY WITHIN MPDU DEVELOPMENTS; HOWEVER, IN NO EVENT SHALL THE NUMBER OF TOWNHOUSES EXCEED 50% OF THE TOTAL NUMBER OF UNITS WITHIN THE MPDU PROJECT.

### SECTION 1-19-290. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

NOTE 4. LOT AREA, WIDTH AND YARD MEASUREMENTS MAY BE MODIFIED IN ACCORDANCE WITH DIVISION 8 OF THIS CHAPTER (TO RESIDENTIAL ZONES – **R3**, R5, R8, R12, R16, VC)

**EXHIBIT A-2**

**Division 8  
Section 1-19-446. Lot Area, Width and Yard Measurements**

Use Classification	Current Minimum Lot Area	Proposed Minimum Lot Area	Current Lot Width	Proposed Lot Width	Current Front Yard	Proposed Front Yard	Current Side Yard	Proposed Side Yard	Current Rear Yard	Proposed Rear Yard	Current Height	Proposed Height
Residential Three District – R-3												
Residential												
Single-Family	4,000		40		10		4/10*		25		40	
Duplex Dwelling	2,500**		25		10		4/10*		25		40	
Two-Family Dwelling	2,000**		40		10		4/10*		25		40	
Townhouse		1,600		16		10		4/10*		20		40

\*Minimum 4ft. with minimum 10 ft. between structures.

\*\* Minimum Lot Area Per Unit.